

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.215 of the)	RM-11643
Commission's Rules relating to)	
Contour Protection for Short Spaced)	
FM Assignments)	

COMMENTS OF IBIQUITY DIGITAL CORPORATION

iBiquity Digital Corporation (“iBiquity”) hereby submits these Comments to the Petition for Rulemaking submitted by SSR Communications, Inc. (“SSR”)¹ and recently released for public comment.² Although iBiquity is sympathetic to the desire of stations to maximize the scope of their coverage and the desire for additional access to the airwaves for new stations, as is explained in greater detail below, the SSR Petition is defective because SSR has not demonstrated the proposed rule change is compatible with digital broadcasting. iBiquity opposes any attempt to move forward with the SSR Petition absent a showing that the changes can be implemented without negatively impacting the rollout of digital FM service.

iBiquity is the inventor and licensor of HD Radio™ technology for AM and FM digital transmissions. iBiquity licenses radio broadcasters in all fifty states, the District of Columbia and Puerto Rico that offer digital broadcasts as well as hundreds of transmission equipment manufacturers, semiconductor manufacturers, receiver

¹ Amendment of Section 73.215 of the Commission's Rules relating to Contour Protection for Short Spaced FM Assignments, Petition for Rulemaking of SSR Communications, Inc. dated Aug. 8, 2011 (“Petition”).

² These Comments are submitted in response to the Commission's recent Public Notice seeking comment on the Petition for Rulemaking. Public Notice, Report No. 2934 dated Sept. 28, 2011.

manufacturers and component manufacturers that have incorporated HD Radio technology into their products. As a result, iBiquity has a significant and direct interest in any proposal to modify the Commission's technical rules for FM stations.

There are more than 2,000 stations offering digital transmissions across the United States with more than 1,200 new HD2/HD3/HD4 formats in operation. In large markets, such as New York and Los Angeles, there are more than 40 stations in each market broadcasting digitally; however, digital broadcasts also have become pervasive in smaller and midsized markets.³ At the same time, there are millions of HD Radio receivers now in use. HD Radio receivers are available in all formats including OEM auto, aftermarket auto, home, tabletop and portable devices.⁴ There are more than 19 automakers that have announced plans to offer HD Radio technology in more than 100 car models, with more than half offering HD Radio technology as standard equipment. For example, every BMW, Volvo and Mini vehicle sold in the United States includes an HD Radio receiver as standard equipment. HD Radio receiver sales have doubled in each of the last few years, and iBiquity anticipates continued growth in both receiver sales and station conversions as the HD Radio rollout continues. Even though it is still in the early stages of its rollout, HD Radio broadcasting has become a regular part of AM and FM radio.

The Petition advocates a modification of the Commission's Rules that would allow stations to potentially increase their analog footprint or that would allow new short spaced FM stations to obtain licenses for operation. Either change has a significant

³ A station guide with a complete list of HD Radio stations is available at www.hdradio.com.

⁴ A buyer's guide with information about the range of receiver products available and features offered also is available at www.hdradio.com.

potential for increasing analog to digital interference as well as for increasing the likelihood of digital interference to analog operations. As an initial matter, iBiquity should note that the HD Radio system was designed based on the existing interference criteria set out in the Commission's Rules. All testing iBiquity has conducted and that was conducted by the National Radio Systems Committee ("NRSC") assumed the continuation of the existing interference environment. Neither iBiquity nor the NRSC anticipated any changes in the rules that would increase the number of short spaced situations in the country or the impact of such an increase. Unfortunately, the Petition also does not address this issue.

As the Commission is aware from its studies of the HD Radio system, short spacings present some of the most challenging issues for HD Radio broadcasting. The HD Radio digital sidebands sit under the adjacent channel's analog broadcast and are therefore susceptible to interference from strong first adjacent analog signals. Although the system design uses redundant digital sidebands on either side of the analog signal to ensure digital reception in difficult environments, increasing analog interference in short spaced environments will inevitably have an impact on digital coverage in some areas. Although this will not impact digital reception over the entire coverage area of the digital station, the increased analog interference will decrease the station's digital coverage area in the direction of the new analog interference.

The Commission's recent decision to allow FM stations to increase their digital power from -20 dBc was designed to address concerns about digital coverage.⁵ Based on input from iBiquity and stations offering digital service, the Commission concluded the -

⁵ *Digital Audio Broadcasting Systems And Their Impact on the Terrestrial Radio Broadcast Service*, MM Docket No. 99-325, Order (rel. Jan. 29, 2010).

20 dBc digital power level did not allow stations to provide digital service that matched analog coverage. In the *Order* authorizing stations to increase digital power to -14 dBc, the Commission noted, “we conclude that it is important to increase FM Digital ERP to improve FM digital coverage and to eliminate regulatory impediments to FM digital radio’s ability to meet its full potential and deliver its promised benefits.”⁶ It would be illogical to undercut the power increase the Commission approved for digital service by authorizing a wholesale increase in analog interference to digital stations.

Broadcasters have invested hundreds of millions of dollars on digital station conversions and on the development and promotion of new station formats for multicast programming. The radio industry has experienced an explosion of new formats and service offerings using the HD Radio platform’s HD2/HD3/HD4 feature. Digital stations are able to routinely broadcast artist name, song title and station information. The “Tagging” feature iBiquity developed allows radio listeners to tag songs for later purchase through iTunes. Recent innovations include Artist Experience, which allows stations to broadcast album art and other images to digital receivers, and real-time traffic updates to personal navigation devices and traditional radios with navigation capabilities. These developments in the broadcast industry have been matched by investments in the semiconductor and receiver industries necessary to develop and commercialize receiver devices capable of displaying and using these new broadcast features. Changes in the regulatory environment that have the potential to decrease digital coverage will increase the risk of consumer complaints and reduce the incentive for broadcasters and manufacturers to invest in the technology. Any reduction in the rollout of digital broadcasting will harm the public interest by diminishing access to important services

⁶ *Id.* at ¶13.

that are available only using a digital platform. Now is not the time for the Commission to consider new regulatory impediments to the successful rollout of digital service.

iBiquity also is concerned that any increase in short spacings or any attempt to add new short spaced stations due to a change in Section 73.215 will increase the likelihood of digital interference to analog operations. Again, iBiquity notes that all the studies of digital compatibility with analog operations were based on the existing interference environment. Increasing analog coverage and decreasing the separation for short spaced stations will increase the risk that digital operations begin to impact analog broadcasts. Avoiding analog interference has been one of the main efforts of iBiquity during the introduction of digital service and was a main focus of the NRSC's testing of the system. Again, it seems illogical for the Commission to consider a change in its rules that will increase the risk of interference and consumer complaints. To the extent that there are compelling individual circumstances that the Commission wants to address, the Commission retains the ability to grant waivers of its rules. However, a large scale change in the interference environment as proposed in the Petition would not advance the public interest and is unnecessary.

As the petitioner seeking a rule change, SSR has an obligation to consider the impact of the proposed change on all aspects of the existing service. SSR has failed to advance any evidence that the proposed rule change can be implemented without harm to digital FM broadcasting. For the foregoing reasons, iBiquity Digital Corporation urges the Commission to set aside the Petition for Rulemaking and retain the current wording of Section 73.215.

Respectfully submitted,

/s/

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Dated: October 27, 2011

CERTIFICATE OF SERVICE

I, Albert Shuldiner, hereby certify that a copy of the foregoing has been sent via first class mail, postage prepaid, this 27th day of October, 2011, to the following:

Matthew K. Wesolowski
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/s/

Albert Shuldiner